

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

LINDSAY ANN DUNESKE,
Plaintiff,

vs.

TEAM SKEPTIC and YOUTUBE,
Defendants.

Case: 2:24-cv-11371

Assigned To : Drain, Gershwin A.

Referral Judge: Altman, Kimberly G.

Assign. Date : 5/23/2024

Description: CMP DUNESKE V. TEAM SKEPTIC ET AL
(NA)

Case No.

CLAIM OF HARM AND TRESPASS AND DEMAND FOR

TRIAL BY JURY DUE TO VIOLATION OF CONSTITUTIONAL RIGHTS

INTRODUCTION

1. This is a civil action seeking damages for defamation, intentional infliction of emotional harm, intimidation/tampering with a witness, trespass, harm, and violations of Plaintiff's First, Fourth, and Fourteenth Amendment rights under the U.S. Constitution.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the claims arise under the Constitution and laws of the United States.

3. Venue is proper in the Eastern District of Michigan under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in this district.

PARTIES

4. Plaintiff, Lindsay Ann Duneske, is a resident of the Eastern District of Michigan.

5. Defendant, Team Skeptic, is an individual or entity operating a YouTube channel and conducting business via the internet.

6. Defendant, YouTube, is a corporation organized under the laws of the State of Delaware with its principal place of business in California, and conducts substantial business in the Eastern District of Michigan.

FACTUAL ALLEGATIONS

7. Defendant Team Skeptic created and published an erroneous, misleading, and defamatory video on YouTube about Plaintiff, Lindsay Ann Duneske.

8. This video was intended to torture, harass, and inflict undue emotional, mental, and reputational harm on Plaintiff.

9. Defendant Team Skeptic's actions were done with knowledge of the falsity of the statements or with reckless disregard for the truth, causing significant harm to Plaintiff's reputation and emotional well-being.

10. Defendant YouTube allowed the publication of this defamatory video and enabled the deletion and censoring of comments that were true and served as a valid defense against the defamation.

11. YouTube, at the request of Team Skeptic, censored these comments, making them complicit in the defamation and contributing to the harm suffered by Plaintiff.

12. Defendants' actions included intentional infliction of emotional harm by making false and derogatory statements intended to cause severe emotional distress to Plaintiff.

13. Defendants engaged in intimidation and tampering with a witness by using their platform to threaten, harass, or coerce Plaintiff in relation to her involvement in legal proceedings.

14. Defendants' actions have violated Plaintiff's First Amendment rights by retaliating against her for exercising her right to free speech.

15. Defendants have violated Plaintiff's Fourth Amendment rights by intruding upon her privacy through unlawful means.

16. Defendants' actions have also violated Plaintiff's Fourteenth Amendment rights by denying her equal protection under the law.

17. Defendants committed trespass by intruding upon Plaintiff's physical or virtual property without consent, causing harm.

CLAIMS FOR RELIEF

COUNT I: DEFAMATION

18. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

19. Defendants made false and defamatory statements about Plaintiff.

20. Defendants acted with actual malice or with reckless disregard for the truth.

21. Plaintiff has suffered harm to her reputation and emotional distress as a direct result of these statements.

COUNT II: INTENTIONAL INFLICTION OF EMOTIONAL HARM

22. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

23. Defendants' conduct was extreme and outrageous.

24. Defendants intended to cause, or acted with reckless disregard for the likelihood of causing, severe emotional distress to Plaintiff.

25. Plaintiff has suffered severe emotional distress as a direct result of Defendants' conduct.

COUNT III: INTIMIDATION/TAMPERING WITH A WITNESS

26. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

27. Defendants engaged in conduct intended to threaten, harass, or coerce Plaintiff in relation to her involvement in legal proceedings.

28. Plaintiff has suffered harm as a direct result of Defendants' conduct.

COUNT IV: VIOLATION OF FIRST AMENDMENT RIGHTS

29. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

30. Defendants retaliated against Plaintiff for exercising her right to free speech.

31. Plaintiff has suffered harm as a direct result of Defendants' conduct.

COUNT V: VIOLATION OF FOURTH AMENDMENT RIGHTS

32. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

33. Defendants intruded upon Plaintiff's privacy through unlawful means.

34. Plaintiff has suffered harm as a direct result of Defendants' conduct.

COUNT VI: VIOLATION OF FOURTEENTH AMENDMENT RIGHTS

35. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

36. Defendants denied Plaintiff equal protection under the law.

37. Plaintiff has suffered harm as a direct result of Defendants' conduct.

COUNT VII: TRESPASS

38. Plaintiff realleges and incorporates by reference each and every allegation set forth in the preceding paragraphs.

39. Defendants intruded upon Plaintiff's physical or virtual property without consent.

40. Plaintiff has suffered harm as a direct result of Defendants' conduct.

DEMAND FOR TRIAL BY JURY

41. Plaintiff demands a trial by jury on all issues so triable.

RELIEF REQUIRED UNDER THE LAW

WHEREFORE, Plaintiff, Lindsay Ann Duneske, respectfully requests that this Court enter judgment in her favor and against Defendants, Team Skeptic and YouTube, and award the following relief:

- A. Compensatory damages in an amount to be determined at trial;
- B. Punitive damages in an amount to be determined at trial;
- C. Injunctive relief preventing Defendants from engaging in further unlawful conduct;
- D. Costs and attorneys' fees as allowed by law;
- E. Such other and further relief as justice and the law requires.

i, declare under penalty of perjury under the laws of the State of Michigan that the foregoing is true and correct.

Lindsay Ann Duneske, Living Woman
Sui Juris in Propria Persona Petitioner
/s/ Lindsay Ann Duneske
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